

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Revision of Part 22 of the Commission's)	CC Docket No. 92-115
Rules Governing the Public Mobile Services)	
)	
Amendment of Part 22 of the Commission's)	CC Docket No. 94-46
Rules to Delete Section 22.119 and Permit)	RM 8367
the Concurrent Use of Transmitters in)	
Common Carrier and Non-common Carrier)	
Service)	
)	
Amendment of Part 22 of the Commission's)	
Rules Pertaining to Power Limits for Paging)	
Stations Operating in the 931 MHz Band in)	CC Docket No. 93-116
the Public Land Mobile Services)	
)	

Reply Comments of The Ericsson Corporation

The Ericsson Corporation on behalf of itself and affiliates (hereinafter collectively referred to as "Ericsson") hereby submits its reply comments with respect to a single issue in the *Report and Order* in the above-captioned proceeding.¹ In support of its reply, Ericsson states as follows:

In its Petition for Reconsideration in the above-captioned matter, Ericsson requested that the Commission reconsider Section 22.919 of the Commission's rules specifically to allow manufacturers and their authorized representatives to make changes to the software and firmware programmed into mobile transmitters as long as the mobile transmitters are able to comply with authentication standards adopted by recognized

¹ CC Docket No. 92-115, released September 9, 1994 (hereinafter "Part 22 Rewrite").

industry standards organizations. Ericsson was, and still is, fully committed to combating the growing problem of fraud in the cellular industry. In this regard, Ericsson is aware that TIA and CTIA have discussed this matter at length over the past few weeks in an attempt to craft modifications to Section 22.919 which will prevent unauthorized tampering with ESNs without affecting the ability of manufacturers to make certain changes to the software and firmware of cellular mobile and portable terminals.

Ericsson has reviewed a recent TIA/CTIA draft of Section 22.919 which reflects agreed upon modifications to Section 22.919 and, with certain exceptions described below, supports the TIA/CTIA revised rule. Indeed, the TIA/CTIA revised rule is substantively very similar to the rule Ericsson suggested in its Petition for Reconsideration.² However, Ericsson submits that the TIA/CTIA rule is deficient only insofar as it will still prevent manufacturers, their authorized service centers and cellular carriers from making most software and firmware changes in the field.³

Based on Ericsson's understanding of TIA/CTIA revised Section 22.919, software and firmware changes to cellular mobile and portable terminals will be allowed to be made only by the manufacturer at the manufacturer's owned and operated facility. The only exception to that rule is that for cellular phones which have not yet been activated⁴ an

² Ericsson commends TIA and CTIA for engaging in good faith negotiations to come to a satisfactory resolution of the issues relating to ESNs and cellular fraud. Their efforts are similar to those Ericsson envisioned might be possible if the Commission had accepted Ericsson's recommendation to convene an Advisory Committee to negotiate rules on this issue. Ericsson also understands that TIA and CTIA have agreed to continue to discuss the matter and may submit additional information to the Commission on the ESN issue which represents an even greater industry consensus.

³ TIA/CTIA revised Sections 22.919(c)(i) and (ii).

⁴ Ericsson assumes these phones are those which have been delivered by a manufacturer to a carrier, a carrier's agent or a retailer and are sitting on a shelf waiting to be sold and then activated.

employee of the manufacturer may make certain software and firmware changes in the field. As written, TIA/CTIA's revised Section 22.919 will prevent authorized service centers from making changes to cellular phones in the field. The plain language would also prevent the cellular carriers themselves from making software or firmware changes to cellular phones in order to offer their subscribers system upgrades.

Due to the additions of subsections (d) and (e) of revised Section 22.919 agreed upon by TIA and CTIA, Ericsson is of the opinion that the restrictions included in subsections (c)(i) and (ii) need not be so severe that manufacturers, service centers authorized by manufacturers and/or cellular carriers are prevented from making software and firmware changes to cellular mobile telephones in the field.

Respectfully submitted,

The Ericsson Corporation

A handwritten signature in black ink, appearing to read 'David C. Jatlow', is written over a horizontal line.

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February 2, 1995

CERTIFICATE OF SERVICE

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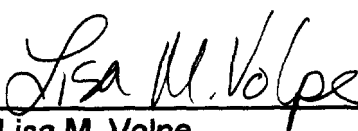
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